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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

HOM, SHICK C

ART UNIT

PAPER NUMBER

2666

DATE MAILED: 03/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/887,676	Applicant(s) HEUER, VOLKMAR	
	Examiner Shick C. Hom	Art Unit 2666	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

2. Claims 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 6 recite a method for transmitting data packets in the preamble; however no active verb has been used to describe the step(s) of the transmitting data packets; therefore it is not clearly understood what step(s) of transmitting data packets are being claimed. Claims 2-5 and 7-12 are rejected under 35 U.S.C. 112, second paragraph because they depend from rejected claims 1 and 6.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1-5 and 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katsube et al. (5,930,259) in view of Noven (5,884,297).

Regarding claims 1-5 and 13-14:

Katsube et al. disclose a network element (NE) comprising an interface (IN) by way of which the network element receives data packets with a target address, a memory (MEM) in which an address table (TAB) is stored, which table has entries regarding logical virtual connections between network elements of the synchronous digital data transmission network (SDH), means (IPADR) for evaluating the target address of data packets, and means (SEL) for making a decision on the basis of the target address and the address table as to which one of the virtual connections is used to transmit a data packet (see col. 3 lines 16-25 which recite the packet transmission node device, the routing table for storing virtual connection identifiers, and means for transferring the packet to output virtual connections determined by referring to the routing table according to the

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destination address of the packet; whereby the virtual connection is selected based on the qualities of service corresponding to the packet clearly anticipate the means for evaluating the target address of data packets, and means for making a decision on the basis of the target address and the address table as to which one of the virtual connections is used to transmit the data packet as in claims 1 and 13).

Regarding claims 2-3:

Katsube et al. disclose the data packets come from a local area network LAN; in which the data packets are structured in accordance with the Internet Protocol (see col. 6 lines 51-56 which recite the local area network LAN connected to the packet reception unit and the packet being IP packet as in claims 2 and 3, respectively).

Regarding claims 4-5:

Katsube et al. disclose the target address being comprised of a network address and a host address and only the network address is evaluated in the intermediate network elements (see col. 1 lines 10-15 and lines 58-67 which recite transmitting and receiving packets by node device connected to a virtual connection oriented network and the abstract which recite packet destination addresses being stored in the routing table clearly reads on network address being evaluated in the network elements

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as in claim 4); and in which an a respective address table is stored in each network element and is prepared by a central network management system (see col. 12 lines 55-57 which recite the virtual connection being realized by the management procedure as in claim 5).

For claims 1-5, and 13-14, Katsube et al. disclose all the subject matter of the claimed invention with the exception of a synchronous digital data transmission network (SDH) as defined by the International Telecommunications Union (ITU) as in claims 1, 13 and wherein the network element is a multiplexer or concentrator as in claim 14.

Noven from the same or similar fields of endeavor teach that it is known to provide a synchronous digital data transmission network (SDH) as defined by the International Telecommunications Union (ITU) (see col. 9 lines 24-45 which recite the synchronous digital hierarchy SDH network defined by the International Telecommunications Union ITU as in claims 1, 13) and wherein the network element is a multiplexer or concentrator (see col. 11 lines 14-43 which recite the use tables in the multiplexers along the virtual paths as in claim 14). Thus, it would have been obvious to the person having ordinary skill in the art at the time the invention was made to provide a synchronous digital data transmission network (SDH) as

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defined by the International Telecommunications Union (ITU) and whereby the network element is a multiplexer or concentrator as taught by Noven in the method and network element for transmitting data packets of Katsube et al. The synchronous digital data transmission network (SDH) as defined by the International Telecommunications Union (ITU) whereby the network element is a multiplexer or concentrator can be implemented by providing the SDH network as defined by ITU and providing the multiplexer in the node device of Katsube et al. The motivation for using a synchronous digital data transmission network (SDH) as defined by the International Telecommunications Union (ITU) being in order to provide a network for the method and device for transmitting data packets to function as designed and motivation for using the multiplexer in the node device being that it provides more efficiency for the method and device for transmitting data packets since the system can share bandwidth via multiplexing data at the transmitting end.

Allowable Subject Matter

5. Claims 6-8 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

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6. Claims 9-12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bhaskar et al. disclose a system and method for transmitting a user's data packets concurrently over different telephone lines between two computer networks.

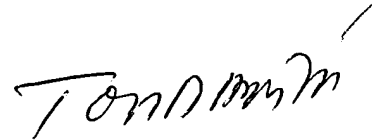
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shick C. Hom whose telephone number is 571-272-3173. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SH



DANG TON
PRIMARY EXAMINER